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The Opinion

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# THE OPINION

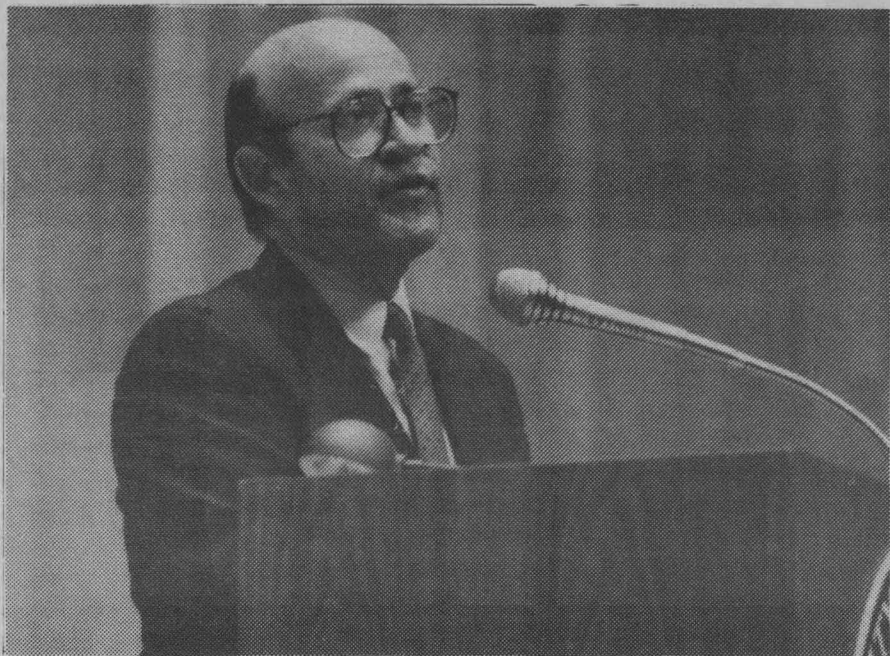


Volume 34, No. 6

STATE UNIVERSITY OF NEW YORK AT BUFFALO SCHOOL OF LAW

November 16, 1993

## Guess Who's Coming to Lunch



New York State Attorney General Robert Abrams will discuss the issue of election reform 11:30 a.m. to 12:30 p.m. Thursday, Dec. 2 in room 106 of O'Brian Hall.

## Abrams to Speak at UB

by Paul Roalsvig, Editor-in-Chief

New York State Attorney General Robert Abrams will be stopping by to lunch with some UB Law faculty members on Thursday, Dec. 2. But before he does that, students will have the opportunity to hear him voice his ideas on reforming the election process.

He is currently a supporter of legislation making registration possible on Election Day, and making access to the ballots easier. He has also expressed his vocal opposition to the spending of millions of

dollars on political campaigns. Abrams will be speaking Dec. 2 from 11:30am to 12:30pm in room 106 of O'Brian Hall. All students are invited to attend.

Abrams, who last fall ran unsuccessfully for the position of U.S. Senator against Alfonse D'Amato, will be stepping down from his position as Attorney General at the end of this December. He has expressed interest in becoming a partner with the law firm Stook & Stook & Lavan in New York City upon his resignation of the Attorney General's position.

## An Open Letter to Mayor Masiello

Dear Mayor Masiello:

On a recent Thursday evening, I was interrupted at home by a sudden, unexpected phone call. The person on the other end of the phone asked me to come down to the emergency room in Sisters Hospital on Main Street to pick up my friend. Evidently, my friend had been jumped by 15-20 teenagers and was a victim of a hate crime. My friend was coming home from law school and had just exited the train station on Main and Utica, in downtown Buffalo. My friend had started to walk down Utica toward Delaware Avenue when this gang raced after my friend. My friend made it back as far as the Burger King parking lot at the corner of Main and Utica. There, the gang beat upon my friend, punching and kicking my friend, after having uttered a racial epithet.

I quickly arrived at the Sisters Hospital emergency room. My friend was on a table. I have known my friend for nearly three years. My friend has worked hard in giving something back to the community while studying in law school, helping the homeless and working with community action groups and is one of the most caring and sincere human beings you will ever meet. My friend had a bruise on the back and front of his head, and required stitching above the right eye. I had to hold gauze to my friend's eye in order to stop the blood running down my friend's face. The doctor put a huge needle into the area of the cut above the eye in order to locally anesthetize the abrasion, and blood squirted all over the place. Even on the table, my friend was not upset about what had happened. My friend felt that the gang had nothing

else to do but take their aggressions out on someone and mentioned the socio-economic causes that may have precipitated this brutal attack and egregious violation of another human being's rights.

I voted for you for mayor. In a leaflet you mailed to me before the election, you spoke of your vision for a better Buffalo. You stated "I will put more police on the streets. . . . We can make our streets safe again, and we will." I should point out that there was a police station on Main and Utica, just but a hundred or so feet away. Yet, this did not deter the gang. The police told my friend that these beatings have been going on a lot recently in Buffalo. What is being done to deal with this?

After you won the election, you said that your first priority upon taking office was to sit down with Buffalo unions in order to restructure Buffalo's economy. I, as a citizen of Buffalo and someone who voted for you for mayor, ask that in ranking your priorities, that you put people first and make our streets safe again so that hard working citizens of Buffalo can get off a train and walk home without getting their heads beat in.

My friend's physical injuries will heal in a few weeks. But how long will the emotional scars remain? My friend is lucky to be alive. It is time to heal the tensions and wounds of Buffalo and make our streets safe again before it gets any worse.

Respectfully yours,  
Kevin P. Collins  
Managing Editor of the Opinion

## George Will Tells 2,000 that America is in Trouble

by Paul H. Roalsvig, Editor-in-Chief

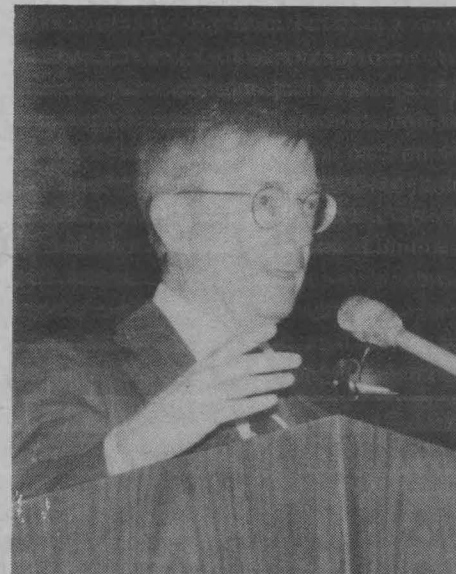
The Alumni Arena of UB was occupied with more than 2,000 persons last Wednesday night as columnist and political analyst George F. Will took the podium. The winner of a Pulitzer Prize, Will also holds five honorary doctorates. He came to UB to offer some opinions on the Clinton administration, NAFTA, health care reform, and american society in general. Throughout the lecture, one could detect the sentiment that while his first love may be politics, his other love is certainly

baseball. He currently sits on the board of Directors of the Baltimore Orioles baseball team, and during a light-hearted moment mused that there were only two seasons to the year: "baseball season and the off-season".

With the fall of the Berlin Wall came the fall in stature of the American presidency, said Will. When the United States had a formidable foe such as the Soviet Union, the strong office of the President became a necessary tool for effective foreign diplomacy. Since the end of the World Wars people have looked

to the President for strong leadership, without realizing that the office itself is inherently weak. Congress is and has always reigned supreme, according to Will. With the end of the Cold War, the stature of the presidency will fall to that level that it had in the late 1800s. All this is occurring at a time when the President is trying hard to live up the liberal ideals of 60s radicalism. Will noted that all this well-meaning left-wing idealism would eventually amount to nothing in the face of this lowered presidential stature. Speaking to Clinton supporters, he proclaimed that this is as good as it will get.

He next addressed NAFTA, stating that in his opinion, a 2700 page document describing "free trade" must certainly amount to nothing less than an "oxymoron." The Mexican economy is only 4% of the United States, he stated, expressing the sentiment that if the NAFTA makes Mexico a more agreeable place to live and work, certainly more Mexicans will want to stay there. But what Will found interesting is the amount of opposition to NAFTA from Clinton's army of so-called "support-



George Will Addresses 2,000 Students at UB. ers." Here was a Democratic President, bolstered by a Democratic-run Congress, thwarting the President's call for "change," which was precisely the platform that all the Democrats ran on. Nothing similar would have ... *George Will, continued on page 7*

### What's a 'Q'?

## Recapping the Changes to the Grading System

By Peter Zummo, Staff Writer

Just when you thought you understood the grading system at UB Law, some changes were made.

Two new grades were added this semester: Q+ and Q-. The new grading format appears as follows: H (Honors), Q+ (Qualified Plus), Q (Qualified), Q- (Qualified Minus), D (Marginal), F (Unacceptable/Not worthy of academic credit), and S (Satisfactory). Although some professors may have been using these grades in the past, it is now official University policy. According to the "Grade Key Explanation" that is sent out with copies of a student's transcript, a grade of Q+ means "Professionally qualified work at the high end of the normal range of perfor-

mance" as contrasted with a Q-, which reflects "Professionally qualified work at the low end of the normal range of performance."

As the key further notes, these grades are intended to "alleviate grade competition and [have] been highly successful." The key does not, however, note that the grading system has also been highly successful in causing confusion with employers who are not familiar with the UB format. When will UB Law students be able to answer the infamous question "what is a Q?" A rational answer is anyone's guess at this time. Perhaps the entire system needs to be changed and not just tinkered with, something that seems to add more perplexity to an already confusing system.

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## Medical-Legal Society

### Group Explores Variety Of Issues

by Joseph Broadbent, Contributor

This issue's Group Spotlight focuses on the Law School's newest student organization, the Medical-Legal Society. According to Society President Venita Parker, the Society's purpose is to stimulate interest in and discussion of medical issues and topics related to the study and practice of law.

The Society's focus is not restricted to personal injury and product liability, where the medical and legal fields are clearly inter-related, but is also concerned with a wide variety of other issues such as reproductive rights, the right to assisted suicide, the criminal insanity defense, and any other medical topic that "intersects with" the legal profession.

Parker stated that the Society is not made up of any one particular group or political viewpoint, but strives to present all sides of each issue in order to foster a full and meaningful understanding of all possible perspectives.

Membership in the Society is open to all students. Parker emphasized that no medical background is required for membership, although many of the members do possess such a background. The Society is currently

being advised by Professor Lee Albert.

Due to the fact that the Society was only recognized by the SBA a few weeks ago, there are no activities planned for the current semester. However, the Society is currently planning a number of activities and events for the Spring semester, including a lineup of speakers, a movie on a medically related topic to be shown next semester, a mentorship program which will allow members to work closely with area attorneys in the course of a lawsuit, and a mock trial which will afford the members an opportunity to sharpen their advocacy skills in the course of conducting a trial involving medical-legal issues.

Parker is hopeful to plan more activities based on member recommendations. While no general Society meeting is planned until January, the Society's four committees (Fund Raising, Newsletter, Speakers, and Mock Trial) will be meeting this semester in order to plan the upcoming activities.

Although the Society has not yet been assigned an office, anyone interested in the medical field as it relates to their legal career should contact Parker by leaving a message in Box 594, whether interested in sitting on one of the Society's committees or simply interested in the Society in general.

## SBA Rolls Out Carpet

by Leslie P. Machado, Contributor

After months of negotiation with members of the Buffalo Law Review and the administration, Student Bar Association president Saultan Baptiste announced at the Nov. 1 meeting that the Law Review has agreed to share its room on the 6th floor of O'Brian Hall.

Baptiste said that the space, located in Room 603, will be used for student organizations. Currently the Law Review uses the room for its library. The room will be divided, so that one half will comprise the Law Review library while the other half will house the student organization.

The SBA board passed a motion "to spend \$2843.29 to capitally improve the law review office, proviso being that we contract with the Law Review and the administration, until the law school gets a new building, that this space not be taken away and that this body decide which groups will fill this space." The measure was passed by a vote of 16-1.

Prior to the vote, SBA vice-president Paul Beyer spoke in favor of the motion saying, "You have to look at this very practically in light of what the alternatives are. The only other way we can get space in this building is by doing some serious construction, either downstairs or elsewhere in the building, cost estimates being in the tens of thousands or in some cases nearing \$100,000.

"When you look at it in light of some of the alternatives, I think 2,000 looks very good. If you reject this proposal, there are no other proposals out there less than 40 or 50 thou-

sand."

The money will be used to repaint and recarpet the room which was described as a "tort waiting to happen." Baptiste expressed his belief that this was a win-win situation for everyone, citing the tremendous space problem in O'Brian.

Dean Boyer, who was at the meeting, commented on the lack of space and the approval of the measure by the SBA board.

"This is a building that was designed for one or two student organizations basically. And what little space we have, has been gobbled up in different ways. In the long run, we have to do something about finding more space for student organizations. So this is a band aid, one of several things that we have been trying to do over the past few years to make the building a little more liveable.

"This sounds like a really good idea and I'm happy that we've been able to do it on a consensual basis and use the space more effectively."

The SBA board also passed a motion to partially fund a joint internship sponsored by the Latin American Law Students Association and The Labor and Employment Law Association. The board voted to donate \$600 of the approximately \$3,000 which the group is seeking to fund an internship in memory of Cesar Chavez in California this summer.

In material assembled by Kevin Collins on behalf of LAELA, the internship proposal was outlined. It will fund a first-year or second-

...SBA, continued on page 7

## Refugee Speaks About 'A New Guatemala'

by Karen A.M. Bailey, Contributor

"The Path To A New Guatemala," a human rights forum, was jointly presented by the Graduate Group on Human Rights and the Latin American Law Students Association (LALSA), earlier this month. Jose Pascual Jimenez, a representative of the Permanent Commission of Guatemalan Refugees in Mexico (CCCP), was the featured speaker.

Jimenez, as a CCCP representative, was elected by his community to represent the Guatemalan refugees in negotiations for repatriation from Mexico. According to the Network In Solidarity With the People of Guatemala (NISGUA), who is sponsoring Jimenez's U.S. speaking tour, "more than 150,000 Guatemalans fled to Mexico, during the early 1980's."

The Central American nation has been "at war" since 1954 when a military coup overthrew the democratically elected government of Jacobo Arbenz. Guatemala has been plagued with the instability of rotating military regimes that have used force to ensure compliance.

Resistance to these regimes has come from guerilla movements that are strategically located in Guatemala's countryside. Consequently, the indigenous population, that resides in those areas, has been victimized by a governmental counterinsurgency campaign.

Jimenez originally came from an indigenous community in Huehuetenango, Guatemala and relocated with his family to the isolated Ixcán region in the Northwest. He was forced to flee when the army infiltrated that area.

The forum, entitled "The Long Road



Jose Pascual Jimenez, CCCP representative

Home," included a narrative documentary on the experiences of a young Guatemalan refugee. The young man's recollections revealed Guatemalan military practices of torture and executions and a general denial of freedom to the natives. Regarding incidents of torture against members of his community, he explained that it was normal for the army to "cut the body, cut the feet, and make them walk." The narrator's missing godfather was taken by the army and, according to his godmother, murdered and then cremated or dumped in the river.

The documentary related the military's practice of seizing property, then forcing unpaid labor on the property and dictating that the natives grow other crops, instead of corn and beans, the community's staple crops. Jimenez

pointed out that land use is a major issue in Guatemala since "two percent of the population owns 75 percent of the land."

Guatemalans fled north, to escape the military, and settled in cooperatives in Mexico. Jimenez, who settled in Chiapas, Mexico explained the cooperatives as "representing the efforts of my people to provide for themselves and to effectively organize for our repatriation."

Jimenez explained that the Mexican government was very receptive but added that it provides restrictions on both the movements of the refugees and their joining the Mexican work force. He cited the United Nations High Commission on Refugees (UNHCR), which has registered 46,000 refugees in Mexico, as assuming responsibility for the refugees. In addition, Jimenez emphasized that both the churches and Mexican residents have been very helpful to the refugees.

However, the Guatemalans want to return to their homeland and negotiations in this context have been foremost on their agenda. Jimenez explained that it took five years of negotiations with the Guatemalan government before reaching a compromise regarding the conditions for their return. "Even then," he added, people weren't so sure that they could [return]."

Jimenez referred to the accords of October 8, 1992 which, as documented in NISGUA reports, establish the following: The right of a secure, collective and organized return, of free association and organization by the returnees, international/national accompaniment during all stages of the journey and resettlement of the

returnees, freedom of movement within the country and over borders, as well as the right to life and personal security, access to land, and the establishment of verification and mediating agencies.

However, according to NISGUA, the government has not agreed to stop placing military bases or naming new military commissioners at or near the sites of the return. In addition, there is no prohibition of the formation of Civil Defense Patrols in the settlement areas.

The meaning of this agreement is currently being tested since the first group of refugees crossed the border on January 20, 1993. The 2,482 refugees (often called the January 20th Victory Community) who reentered Guatemala and settled in the remote Ixcán region, have begun to rebuild their community's institutions.

Their reports to NISGUA and other monitoring agencies include: difficulty in negotiations for land purchase, delays in delivery of U.N. food rations and the lack of necessary documentation for traveling within the country.

Jimenez and the CCCP, while aware of these complaints, are planning for the repatriation of 22 other groups. When asked why there should be optimism about the return of the refugees, given the government's unpredictability, Jimenez candidly explained that the repatriation isn't a matter of trust. "It will be very difficult, but we are united politically and there are many civilian organizations [in Guatemala] working towards a broad consensus, "[for our safe return]."

## Yeltsin's Advisor says Russia's Transformation is Irreversible

by Paul Beyer, Contributor

Fascination with the Russian market transformation to capitalism was clearly evidenced by the standing-room-only audience for a lecture by Professor Alexander Livshits, economic advisor to Russian President Boris Yeltsin. The lecture was entitled "The Grand Plan to Russian Economic Reform" and was the first in a series of four lectures sponsored by the International Law Society and International Business Club.

The first lecture focused on the scope of the economic transformation and the difficulties peculiar to Russia. Professor Livshits

emphasized that the transition to a market economy is irreversible, given the ideological and infrastructural changes underway, and particularly because the Russian economy is already 42% privatized.

Given the communist aversion to self-criticism, it was shocking to hear Professor Livshits' frank and candid analysis of the problems with communism, as he made his case for rapid economic transformation. He portrayed the former communist economy as a "crazy" system of regional committees charged with every facet of the economy, including: distribution, price controls, produc-

tion and planning. This system resulted in low incentives to produce, low living standards, exhaustion of natural resources, environmental destruction, and the dominance of a monopolistic economy.

The only shining star in Russia's previous system of production, according to Professor Livshits, was its ability to produce war materials, an aspect which they are now trying to use to their benefit. "The only things that are well-developed are things used for war," said Livshits. "The best things produced in Russia are products coming out of re-tooled military factories."

Professor Livshits outlined the difficulties inherent in Russia and its economy, which include bad communications, the sheer size of the country, regional differences and the immobility of the work force. In a particularly humorous segment of the presentation, Livshits was asked by a member of the audience why Poland's transformation to capitalism seemed to be proceeding more smoothly. Professor Livshits quickly responded that "there are not as many crazy communists in Poland."

The first lecture was enlightening both

...Transformation, continued on page 7





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## EDITORIAL

### Grading System Lacks Consistency

The Faculty will say that it's something we've been clamoring for all along non-stop, so now that we as law students have it, we should be content and give this particular issue a rest.

We refer, of course, to a grading system that give us more feedback than the old H Q D F system.

We did ask for more feedback, but not a compromise to consistency.

The classes of 94 and 95 are disadvantaged, or to be more precise, will be disadvantaged when the individual members embark upon their quest for gainful law-related employment. Why? Lack of consistency.

Has anyone seen the new grading system explanatory page, copies of which will accompany grade transcripts as they get sent out in a flurry to prospective employers far and wide? We have. Is it the type of document that an employer will take the time to read, in order to understand and become familiar with UB's unique system of grading? We believe not.

The class of 93 had consistency in their grading scheme. The class of 96's grading will also be consistent from beginning to end. Only the classes of 94 and 95 will have to contend with years where only Qs are given, and years where Qs and Q\*s were given.

Last year the editors of this newspaper put forth the simple proposition that the main objective of the grade system change, i.e. more feedback, could be accomplished without harming the consistency of existing students' grade transcript. We called it "grandfathering". It was a good idea back then. The grading issue may be breathing its last dying gasps as we speak. It is still the opinion of many that the feedback element could have been achieved at the "posting-of-the-grades-at-the A&R" stage without compromising in any fashion the benefits of our unique non-competitive grading scheme.

However, the vast majority of students last year opted to discard the principles upon which the unique non-competitive grading system was founded, thereby opening the doors to tampering with it. In a tight job market, this would seem understandable. UB law students desired to be on equal footing with law grads from other law schools, and whatever benefits that had existed in the past from a non-competitive grading scheme, last year's law students were obviously prepared to give them much less weight.

But that vote did not, and still does not explain why the simple act of "grandfathering" the new grading system cannot take place.

It has been pointed out repeatedly that when the non-competitive HQDF system was begun, it was "grandfathered" in so that students did not have a mix of ABCDs and HQDFs on their transcripts.

The classes of 94 and 95 should request nothing less than that their transcripts have a similar degree of consistency. In addition, it may be a good idea to inquire into the fundamental beliefs assumptions that led to the development of a non-competitive grading system. If those fundamental tenets still hold true, then non-competitive is the way to go. But if those fundamental beliefs and assumptions do not hold true in tough economic times with dim employment prospects, then the non-competitive system should go. The grading system should be not such that it is a handicap to UB law students, nor should it subsequently be tampered with to confuse the law grad's subsequent employers.

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The ideas expressed in the "Letters to the Editor" and on the commentary page are not necessarily endorsed by the Editorial Board of The Opinion.

## Opinion Mailbox

### Clarifying the LGBLS Protest of JAGC Interviews

To the Editor:

I feel I must respond to Mr. Krakow's letter in the Nov. 2 issue of the Opinion. Mr. Krakow's misunderstanding of the issues involved in the LGBLS demonstration at the JAG interviews and the display at the library are unfortunate, but not that uncommon.

"All we want is our human right," the 'plea' Mr. Krakow heard or read as he entered the JAG information session, does not refer to the right to join the army. It refers to the right to be treated as human beings, with all the dignity and opportunity that that entails. As it stands, gay military personnel are dismissed from service on the basis of their sexuality alone.

That means if a letter home is intercepted, or they are seen going into a gay establishment, it could mean the end of a meritorious and established career.

The State of New York prohibits State organizations from discrimination solely on the basis of sexual orientation. The protection does not amount to special privileges, merely to the same protection afforded on the basis of race, age, national origin, disability, etc. The University is a state run organization, which is why LGBLS protests military recruiting in the Law School.

Unfortunately this situation exists in the private sector as well, where an employee can legally be dismissed on the mere suspicion that he or she is gay, and frequently are. Mr. Krakow's misinformed counter example of a heterosexual who loses his job because of his continued sexual references is not even relevant. I would expect similar treatment for anyone in a similar situation. His ill-begotten leap of logic is equating being 'out of the closet' with an open discussion of one's sexual

activities. His definition of pornography is apparently not content, but context. Contrast anything in the library display with any number of Vanity Fair covers, Obsession ads or James Bond movie posters.

It's apparent that Mr. Krakow finds the topic of gay rights difficult to understand - but it's really not that tough. Everybody should be afforded the opportunity to show their strengths and weaknesses, and to be judged solely on their merits. Opprobrious phrases from the handbook for the rhetorically disadvantaged, (eg: "Like throwing gasoline on a pile of burning tires, this hypocrisy is stoked by the capricious institutional support of the Law School."), merely cloud the issue and show that Mr. Krakow doesn't own a dictionary.

(Capricious -> whimsical, subject to sudden, impulsive change. Perhaps you meant conspicuous?) The whole point of the displays and the protests are simply to let people know that their family and friends are being discriminated against, and hopefully something can be done about it. The civil rights movement wouldn't have gotten far if it's participants had followed prevailing standards of 'tradition, reason, and propriety,' instead of challenging the status quo and demanding to be heard. That is not whining. It's standing up for yourself, and your rights.

To re-state Mr. Krakow's closing statement, "If UB truly wishes to substantiate its claims to prepare its students for the future, it will afford them the opportunity to understand each other, and try to show them why bigotry and hatred are so repugnant and counter-productive." An opportunity Mr. Krakow apparently missed.

Respectfully,  
 Joseph Bates, 1L



### Alumnus Defends Jessup

To the Editor,

Although I am reluctant to add my voice to the cacophony that has emanated from these pages of late, I feel compelled to respond to Jay Chatarpaul's Commentary published in the November 2, 1993 Opinion.

I am an alumni of the law school, the Jessup Executive Board, and a number of Jessup teams, as well as a lawyer working here in Buffalo. As such, I was asked by James Lynch and Jackie Jones, members of the current Executive Board and Co-Directors of the competition Mr. Chatarpaul competed in, to be a judge. They asked that I grade a number of memorials submitted, that I judge a preliminary oral round, and then return to judge the finals. I agreed with pleasure.

Mr. Chatarpaul, you will recall that the memorial you submitted did not have your name on it. Rather, it had a competitor number that preserved complete anonymity, the corresponding names being held in confidence by the directors of the competition. Thus, I am puzzled by your assertion that a Jessup Board member told you that your "brief" (sic) was very good.

Also, Mr. Chatarpaul, I was a judge during one of your preliminary rounds. Because the scoresheets are similarly held in confidence, I cannot imagine how you claim to know what the judges said and wrote while you were out of the room. Finally, there simply were no comments about "an accent" in the round that I judged.

I recall your presentation, and some of the comments that you received. It may very well be, Mr. Chatarpaul, that we used the words "very good" regarding your presentation. However, as you have seen fit to charge my colleagues on that evening and me with "rac-

ism, favoritism, nepotism, unprofessionalism, and ignorance," let me take this opportunity to be straight with you. We were trying to be nice.

In your commentary, you ask plaintively, "why didn't I make the finals, let alone the team?" The answer: you read a great deal of your presentation from your notes. When you were asked questions from the bench, you seemed panicked and unable to respond appropriately with examples of the international conventions relative to the problem. Stylistically, you lacked poise and confidence, and were less than compelling when making your points.

In contrast, your classmate, the "tall African-American male" you mockingly refer to, brought no notes with him to the podium. He had memorized his introduction and conclusion, and answered our questions from the bench in great detail, correctly citing articles from the international conventions relevant to the problem. He spoke with confidence and at no time struggled to make his argument. Put simply, Mr. Chatarpaul, he made the finals and later the team because he was much better than you, as were a majority of the others who competed.

The criteria discussed above are the only ones Jessup has ever attached to those chosen to represent UB Law. Mr. Lynch and Ms. Jones earned my continuing respect and admiration for the job they did running a Jessup competition that was at every instance fair and equitable to all competitors.

The charges you make are irresponsible and insulting.

Sincerely,

Frank Housh



# I Was Ripped Off!

By Bill Licata, Contributor

On Oct. 16, I went to my locker, in the basement of O'Brian Hall, and upon opening it, I was greeted by an unexpected circumstance not at all unfamiliar to students in the past: three of my textbooks were missing, stolen. What perplexed me was that there were no visible signs of forced entry, my lock was still on and the door was shut.

Who was smart enough to mastermind this? Initially, I thought it was the same individual that razored off the law review articles in the case note competition last spring. I dismissed this as improbable; that person was assuredly still basking in the glow of that deceitful accomplishment. (If that person is reading this article I hope you are blushing furiously.)

In the week before my books were stolen, Prof. Carr in Criminal Procedure explained that, "There is a ninety percent chance of solving a crime in the next 48 hours, after that the percentages begin to drop off sharply." According to my calculations, several hours had already ticked off on my meter. Logic dictated the only place to cash in on my books was the Amherst Campus bookstore. So acting with the alacrity of an accipiter hawk, I crossed campus and filed a stolen book report with the clerk there. While there I believed that the prospect of getting my books back was bleak at best, so I spent \$150 to replace them. I also filed a stolen book report with public safety, those men and women in gray charged with the duty of safeguarding the person and property of the citizenry at SUNY @ Buffalo.

Infuriated, frustrated, and violated, I returned to O'Brian Hall to watch Moot Court practice rounds. After this I tried to catch up

on my reading at the law library. Unable to concentrate amidst the welter of emotions, I returned home.

Shortly thereafter my serenity was disturbed by that familiar jingle of Ma Bell singing in the dining room. I answered the phone and much to my surprise Public Safety apprehended an individual at the bookstore who attempted to return my books for a refund. My books! The officer asked if I wanted to file charges. I did not hesitate to answer, "With the full, force and effect of the law." He answered, "We need you to come in and make a state-

ment."

After providing a statement later that evening, I learned something startling. I was not the only one that had been victimized by this person, and this was not something novel to the basement area of O'Brian Hall. In fact, the suspect has worked at O'Brian Hall for several years as a custodian.

The element that I find most disturbing is that the Administration either ignored what was going on or turned a blind eye to the systematic looting of student property. Sev-

...Ripped Off, continued on page 6

## A Winner's Impressions Of Jessup

by Clara Kanocz

The three nights of intense questioning was enough to give anyone a headache, and, at times, even got a bit uncivilized as certain judges got carried away in their God-like roles shooting three and four questions at a time and adamantly demanding immediate answers, in between trying to distract contestants with laughter, spit balls, and anything else their imaginations could muster up. However, by the end of the third night not a single contestant could claim to have avoided lengthy, grueling, and insightful questioning by a panel of professors and lawyers or to have avoided intimidating and almost abusive behavior by a few lawyers who were former Jessup members trying their best to prepare contestants for the worst.

With five guaranteed openings for a four-man plus alternate team and only thirteen people competing, the odds of making the 1994 Jessup Regional Team were pretty good and the odds of becoming a board mem-

ber were presumably even better. It is therefore understandable, if someone who failed to make either the team or the Board, is feeling a little bitter. The bitterness is even more understandable in light of such a contestant's somewhat misguided belief that, with odds like that, there was no way he could lose, especially if his last year's roommate was virtually running the competition.

While it would have been nice if all thirteen contestants had made the finals and the Board, it must not be forgotten that it was a competition and, as in all competitions, not everyone can win. The four team members, all 3Ls with international law backgrounds, two of whom moreover are experienced Desmond members, took the competition very seriously, never assuming that they were guaranteed a position until they earned it. The same can be said about myself (the alternate) and the other three Board members.

...Jessup, continued on page 6

## 'Gate'

by Dan Harris, Photo Editor

One expression I find rather annoying is attaching the word "gate" to anything seemingly scandalous. In fact, the thing may not necessarily be scandalous, but attach the word "gate" to the end, and you'll certainly provide whatever it is with the inference of scandal.

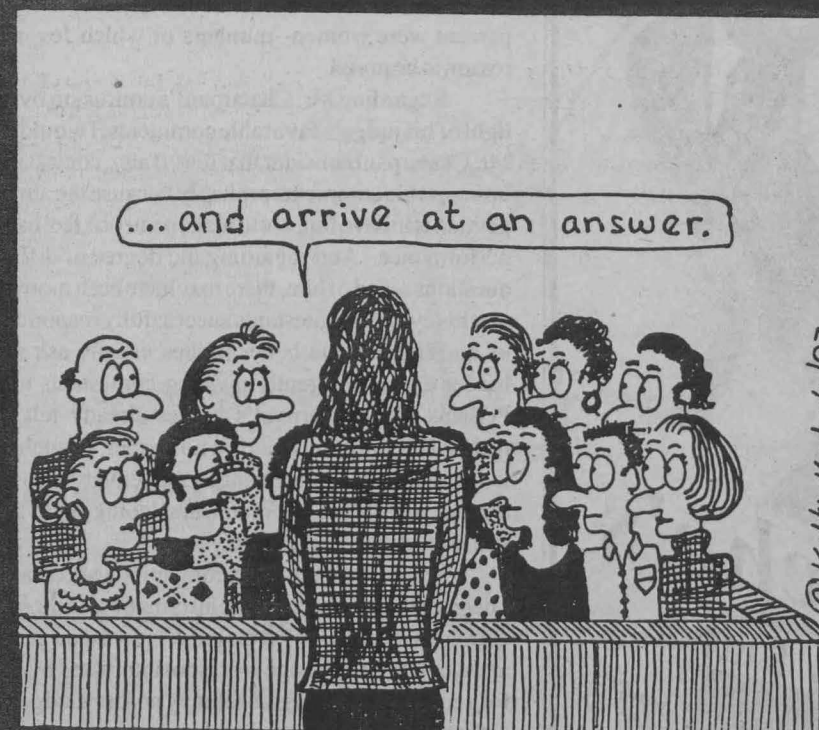
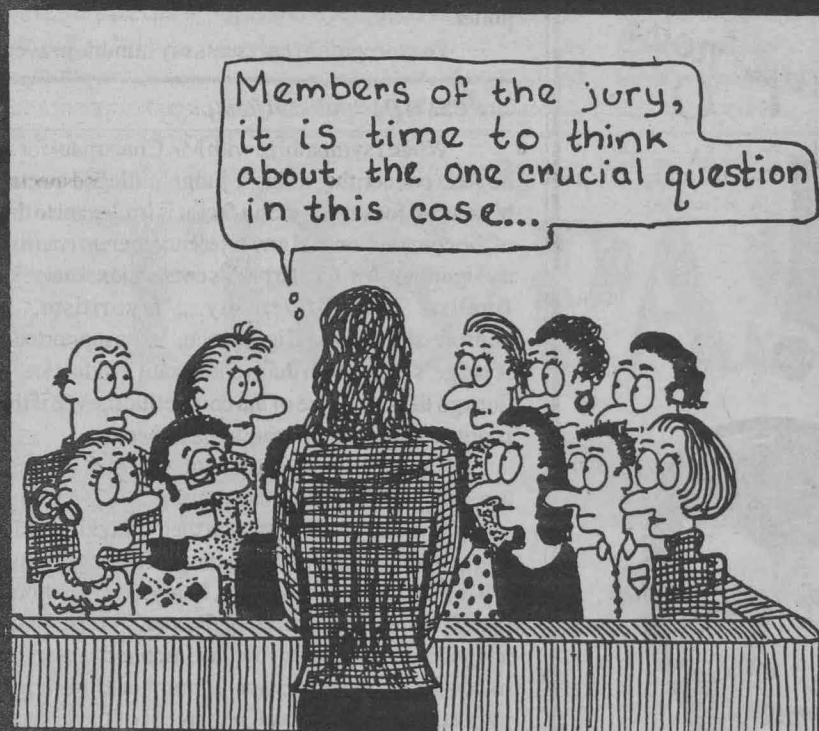
Examples are legion. The Iran-Contra scandal became known as "Irangate." President Clinton's problems with finding an Attorney General became known as "Nannygate." I've seen signs by former UB Law Professor Jeff Blum referring to "Tenuregate." Last week I saw something in the newspaper about the British Royal family and the "Camillagate tapes." And I'm just waiting for someone to mention the "SBAGate" incident.

This obviously stems from the "Watergate" incident. However, Watergate is a hotel, not a suffix. Yes, the Watergate incident was an embarrassing scandal that portrayed the esteemed highest office of this country in a most unfavorable light. However, it was neither the first nor the last scandal in this country. Yet, the word "gate" has taken on such popularity.

Look at all the examples of where the suffix "gate" has been added to the end of something. Now imagine if we attached a different embarrassing U.S. incident as a suffix. We might now have "Iranbay of pigs," or "tenure taminy hall," or the "SBAContra Affair."

Obviously I find the expression "gate" ridiculous. However, I don't think

...Gate, continued on page 10





# Candidates' Statements For SBA Parliamentarian

## Emilia Chernyavsky, 1L

My name is Emilia Chernyavsky and I am running for the position of SBA Parliamentarian/Office Manager.

I was born in Siberia and moved to the United States when I was seven. I grew up in New York City and recently received my B.A. in English and American Literature from New York University.

As an undergraduate, I worked in a medical office and also did some freelance translation (Russian/English) for the courts. I found both jobs to be extremely rewarding because I love helping the people I worked for (and with).

I feel that this opportunity will allow me to do more than serve the Student body this year. As a first year law student, I have the strength, interest and commitment to dedicate myself to the requirements of the job.

I do not think, however, that the commitment just ends here. I believe that the experience of this position will serve as the basis for two more years of helping and learning from the SBA.



Special Election for  
SBA Parliamentarian/Office Manager  
to be held 9 a.m. to 4 p.m.  
Tomorrow and Wednesday (Nov. 16 & 17)  
Outside of Law Library

## Stephen Lee, 3L

Dear Fellow Law Students:

I am going to make this statement very short and to the point. For those of you who do not know me, my name is Stephen Lee and I am currently a 3rd. year. I am running for the position of SBA Secretary (Office Manager/Parliamentarian). I feel I am very qualified for the position due to the fact that I was a 1st Year Class Director and the Treasurer last year. From my past experience on the SBA, I know how the SBA works and how to run it efficiently.

Due to the recent developments in the SBA, I feel the position of Secretary (Office Manager/Parliamentarian) should be filled by a person knowledgeable with the inner workings of the SBA. As Secretary (Office Manager/Parliamentarian), I will work diligently too bring the SBA some unity and conformity.

I feel it is important that all students know what is going on in the SBA, and take part in what is done by the SBA. To this end I will be available to all students, in answering any



questions or concerns that they may have.

I know this is a very busy time for all students, but I hope all the students take time out and vote on November 16th and 17th.

Very truly yours,

Stephen Lee

STEAM  
DONKEYS

country-punk

FRIDAY  
NOVEMBER 26

DARK  
MARBLES

garage noise

It's the return of

THE  
JACK  
LORDS

crazy

3 bands! 3\$!

Nietzsche's

Allen Street Buffalo

## ...Ripped Off, continued from page 5

eral questions remain with me from this experience. First, was I entitled to notice? I am not naive enough to think my locker is inviolate, but I should of been afforded information concerning the number of thefts that occurred in the basement and the patent defect on locker 2207. Second, do the students that have had their books stolen in the past have a class action tort claim against the administration for failure to communicate the known risks involved in putting their books in these lockers?

Finally, I have lately been experiencing lower back pain, headaches, and am finding it increasingly difficult to study because I must shoulder the undue burden of a forty pound book bag. If the administration can not supply me with a locker of reasonably safe manufacture and design, perhaps the remedy is to provide me with a sinecure from their ranks to serve as my porter.

The foregoing represents my humble prayer for relief.

## ...Jessup, continued from page 5

While I sympathize with Mr. Chatarpaul for any outrage he feels concerning a single judge's alleged comments about his accent, for I agree such a factor is irrelevant to the substance of the competition and any reference thereto was inappropriate and ignorant, Mr. Chatarpaul's conclusions that selection of the finalists was driven by "favoritism, nepotism, unprofessionalism and ignorance," is unsupported by the facts. A judge's evaluation that a contestant "didn't know his shit," does go to the substance of the competition, even if the statement is not as eloquent as it might have been.

The facts are that after submitting a ten page brief, for three nights contestants had the opportunity to impress panels of lawyers and professors with their oral skills and knowledge of international law. Among the professors participating were UB's own Professors Kanner, Leary, and Newhouse, and Niagara University's Professor Baxter. Those panels had not insignificant numbers of both women and minority representatives--far more impressive in number than most real world judicial panels. Twentyfive percent of those selected for the Board were members of a minority group and thirtyseven percent were women--numbers of which Jessup has every reason to be proud.

Regarding Mr. Chatarpaul's confusion over his loss in light of his judge's favorable comments, I would suggest that Mr. Chatarpaul consider that few, if any, contestants received unfavorable comments probably because the aim of the competition is to have fun, not to make someone feel bad about their performance. And regarding the degree of difficulty of the questions asked of him, there may have been more to them than met his eye. As contestants successfully respond to one level of questioning, the better judges usually ask successively harder questions, gently pushing contestants to their limit. Perhaps Mr. Chatarpaul's judges already felt that he had reached his limit and could go no further. In such a situation it is for the skilled contestant to maneuver so as to carry his argument to the next level and, in so doing, to invite additional and more difficult questions.

While any moot court competition necessarily involves a degree subjectivity and luck in terms of who the judge is; what questions are asked; what the judge's own views and biases are; and what styles the judge is or is not impressed by, it is insulting for a contestant who has absolutely no knowledge of my or any of the other seven winners' performances to suggest we won for any other reason than that we deserved to win based on our knowledge of the material as expressed through our written and oral skills. I suggest that Mr. Chatarpaul learn how to lose more graciously.



# Livshits Discusses Russia's Economy

by Luke Bellocchi, Contributor

Professor Alexander Livshits, Russian Federation President Boris Yeltsin's Economic Advisor and Deputy Chief of Information, spoke Thursday night at the School of Management on the current hopeful financial situation in the former Soviet Union.

Speaking in English, Prof. Livshits described the immense problem of controlling inflation in the former Soviet Union today, including a rate that got as high as 300% over a two-month period. The Russian government has curbed inflation to 20% per month as of October of this year and intends to hold inflation to 3-5% by December of 1994. Boris Yeltsin's government plans to stabilize the Ruble and curb inflation in six steps: (1) eliminating the discrepancy between market and

central bank rates for credits, (2) restructuring the short-term agreements between the central bank and the regional banks, (3) sharply reducing centralized expenditure, (4) increasing the rate of interest on centralized banks, (5) shifting the deficit burden to the Minister of Finance and the regional banks, and (6) stabilizing exchange rates for the Ruble.

Using an interpreter, Livshits took questions, many of which involved political stability as related to business practices for foreign investors in Russia. But the audience also included legal scholars such as Professor Headrick, who asked about the taxation scheme in place now. Prof. Livshits gave a cursory answer describing the inability to tax average citizens and the drag that taxing businesses has created. Another question involved the legal

basis for doing business in Russia, including basic contract law. This was answered by admitting the weak legal system in place in Russia today, but Livshits emphasized that Yeltsin has as a top priority the improvement of the legal system there. Currently, parties to a contract must enforce the provisions themselves.

There will be another talk by Professor Livshits this Wednesday night, Nov. 17, on "Transitions in the Russian Economy" at 5:30 in Jacobs 110. Another discussion is scheduled for Thursday, Nov 18th at the same place, concerning "Doing Business in Russia". All law students are invited to a final reception to be held in the faculty lounge following that presentation.

## ...Transformation,

Continued from page 3

in the substantive analysis of Russia's economic reform and the radically different messages which the Kremlin is sending to the West. The final two lectures are scheduled for Wednesday, November 17th, at 5:30, and Thursday, November 18th, at 5:00, both in Room 110, Jacobs Hall.

"We are very thankful that Professor Livshits was able to share his insight with us," said Luke Bellocchi, President of the International Law Society. "His lecture was very revealing of the Russian business, tax and legal infrastructure, and he will be able to more fully explain these aspects in his forthcoming lectures."

## ...George Will, continued from page 1

occurred under the presidency of Lyndon B. Johnson, he assured his listeners.

Nowhere was the 60s sensibilities and moral vanities more present than in the current administration's attempt towards health care reform. Mr. Will tore apart the statistics that show that U.S. health care is at fault, demonstrating instead that many of the so-called problems with health care are traceable to behavioral problems. There is no health-care crisis, he said. Rather, there are many behavioral crises evidenced by such things as: 1) the incidence of AIDS, 2) rise in violent street crime, 3) smoking and poor eating habits, 4) automotive accidents, and 5) teen pregnancy and the infant mortality associated with it. Health care costs were bound to go up as they have, he stated, simply due to the changing demographics of the American popu-

lace. Americans are simply living longer, and he told the audience of one statistic that showed that there would be over a million persons over the age of 100 at the turn of the century.

He next turned his attention to education, expressing a great deal of skepticism that the amount of learning that took place in elementary schools was in any way directly related to the amount of money spent in each school district per pupil. Rather the key to a child's learning lay in a much more important statistic: the parent to child ratio. He supported the findings of Senator Daniel Patrick Moynihan and the U.S. Senator's conclusions that the rate of family disintegration that is presently occurring is without precedent in US history. He agreed that this rise in violence is a result of an ever-increasing population of unparented adolescent males hitting the streets,

and in Will's opinion, it was certainly as bad as any "public health epidemic" that US officials have ever had to combat.

Will stated that the 60s radicalism made a mockery of old-fashioned values, making deviance socially acceptable. The result led to a "down-adjusting" of the standards of the American people, which, combined with the tenets of a general welfare society, is starting to lead to some very "perverse results."

George F. Will's message was clear to all who heard him speak that night: It was time to make the traditional family unit the foundation of strength of our society. It was also time for Americans to realize that many of their biggest societal dilemmas were related to behavioral problems, and while they are quite daunting in magnitude, they are nevertheless correctable.

## ...SBA, continued from page 1

year student for approximately 10 weeks with the United Farm Workers in California. The law student would work with the migrant farm workers on immigration and labor law issues.

During the committee report portion of the meeting, Ben Dwyer (1L) who was selected to chair the committee investigating the allegations of financial impropriety alleged by SBA treasurer Mark Panepinto towards Saultan Baptiste, stated that they hoped to have a report at the Nov. 17 meeting.

Dwyer also defended his actions after Baptiste alleged that two members of the committee had some knowledge of the allegations prior to the Oct. 25 meeting. Dwyer said that he had assigned the two individuals to separate areas of the investigation and that he was satisfied that it would have no bearing on the committees' decisions.

After debating for almost one hour, the board voted on a motion to remove the two people who had prior knowledge. Eight voted against the motion, three voted for it and three abstained. Because the motion failed to get the necessary three-fourth's majority, it was dead and the meeting was adjourned.

*The Opinion needs an Office Manager/ Librarian. If you are even remotely interested, contact Paul at x2147.*

**Join the Opinion! Call x2147**

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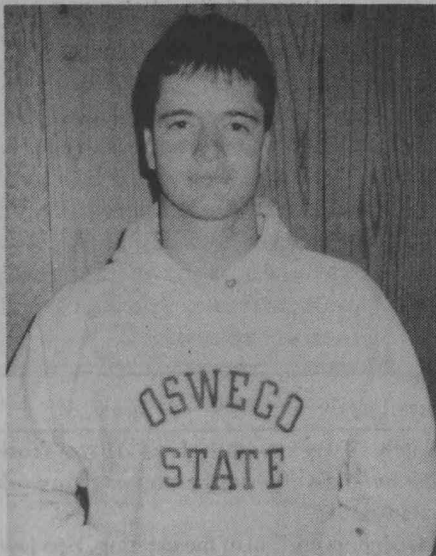
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# The Roaming Photographer

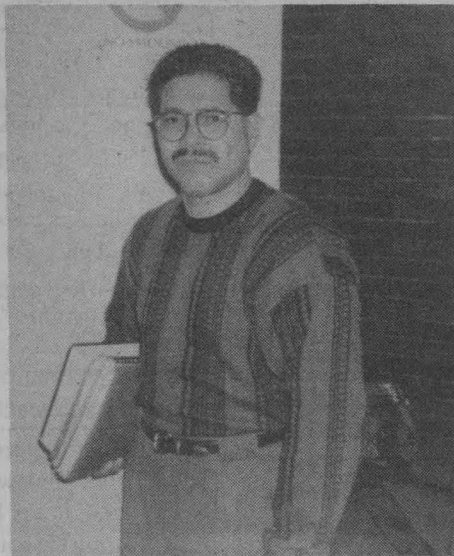
by Dan Harris, Photo Editor

This Week's Question: "What do you think of the SBA situation?"



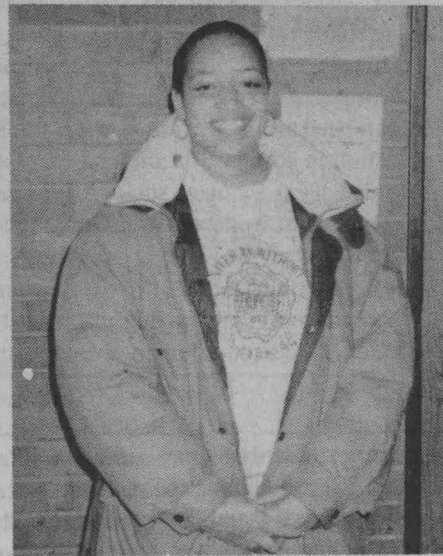
**John Crowe, IL**

"I would hope that the Treasurer, having made these allegations did a sufficient background check to make sure it's not unfounded. Otherwise he's clearly over-stepped his bounds."



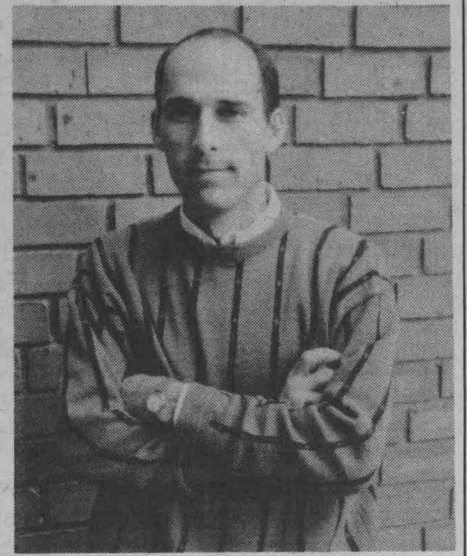
**Hector Figueroa, 2L**

"Quite frankly I think it's rather sad that you have two individuals that work in the same office going at each other's throats. I also feel that as adults we should be beyond that."



**Monica Grier, IL**

"It's a failing in student government that they take on the cut-throat type of politics of Washington. In this particular case I'd like to see more evidence of wrongdoing before fingers start pointing."



**Stephen Yonaty, 3L**

"Hopefully once it's resolved, everything will once again run smoothly as it always has at the law school."

## UB Legal Scholars Advocate Compromise On Abortion Issue

Special From SUNY at Buffalo News Service

New book promotes introduction of theological thought into moral debate

The full introduction of religious thought into the public debate on abortion could bring about a compromise between the two sides of the volatile issue, two University at Buffalo legal scholars say.

Although many may believe that it is the religious fervor of the "pro life" camp that has led to the extreme positions taken by people on both sides of the issue, Elizabeth Mensch and Alan Freeman contend that, in fact, theological thought may lead to common ground on the issue.

In their new book, "The Politics of Virtue: Is Abortion Debatable?" (Duke University Press, 1993), Mensch and Freeman maintain that while most Americans get their beliefs and values from religious traditions, religion has been left out of the debate for most people.

They note that Roe v. Wade, which they call "a mistake -- legally, sociologically and politically" -- is a purely secular decision that "doesn't speak to serious religious tradition or the feelings of most Americans."

"Our religious traditions have served

for many hundreds of years to offer hope in the face of despair, to offer life in the face of inevitable suffering and death," the authors write. "We discard those traditions (in debating the abortion issue) at our peril."

The authors, both professors of law at UB, insist that any serious, moral discussion of the abortion issue start with the recognition that abortion is a life and death issue.

"To abort a fetus is to kill, to prevent the realization of a human life," they write. "But to say that much is not to answer the moral question involved."

They note that we often, however tragically, choose death, as with war or statistically predictable highway death.

"That we choose to kill does not make it wrong on that score alone; but we surely need a vocabulary for talking about life and death issues in moral terms that underscore that seriousness of any choice for death," they write.

In "The Politics of Virtue," Mensch and Freeman see abortion as representing a broader dilemma: What should be the role of theology in American morality?

Their historical view of American culture since World War II includes examination

of the natural law and Protestant ethical traditions, the civil rights movement, the rise of the Protestant evangelical movement and the decline of the mainline Protestant churches.

Many view Roe v. Wade as an attempt by the Supreme Court to secularize the abortion issue and cut off further ethical, political and theological debate, Mensch and Freeman point out.

While they call Roe v. Wade a mistake -- as does new Supreme Court Justice Ruth Bader Ginsburg -- they do not advocate the precipitous overturning of the ruling, which would send the issue back to the state legislatures with no constitutional guidelines.

Instead, they believe common ground on abortion can be found by including theological thought into the public discussion, since most Americans' views lie between the two extreme positions on the issue.

Polling data show that only about 20 percent of Americans are truly "pro-life", feeling that all or nearly all abortions should be prohibited, the authors say. Another 20 percent are truly "pro-choice," believing in unrestricted access to pre-viability abortion. The rest -- about 60 percent -- want some restrictions, yet oppose total prohibition.

Mensch and Freeman see other signs of hope for a compromise. The mainline Protes-

tant churches that jumped on the Roe bandwagon, in particular the Presbyterians, American Baptists and the United Methodists, are rethinking the issue.

Meanwhile, some prominent "pro-life" activists are also showing a willingness to retreat from an absolutist position.

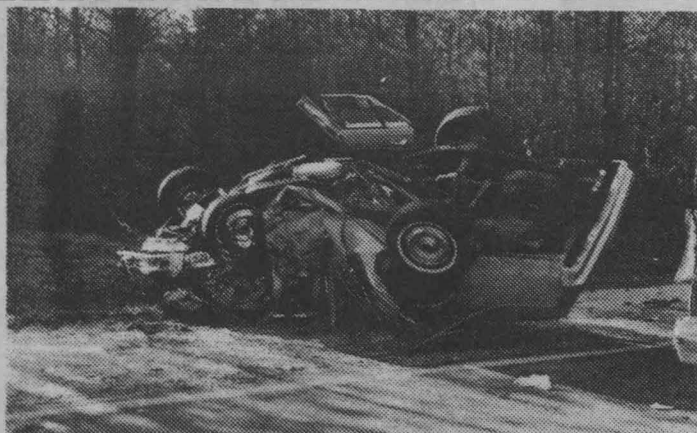
Moreover, they say, the decision in Casey v. Planned Parenthood of Southeastern Pennsylvania -- in which the Supreme Court upheld four provisions of Pennsylvania law regulating abortions while declining to overturn Roe -- "is an attempt to be realistic."

However, the Casey decision should not be, by itself, a final version of a compromise on the issue, they say.

Real compromise, Mensch and Freeman maintain, probably will mean, as it does in many Western European countries, a public policy that allows abortions, but regulates them while at the same time trying to discourage them.

That may involve allowing states to push up the deadline for presumptively legal abortions to 16 or 12 or 10 weeks, or requiring women to provide statements of their reason for having abortions before the procedures are performed, they say.

"Compromise means that each side must give up something important," they write.



### Ever Get Somebody Totally Wasted?

TAKE THE KEYS.  
CALL A CAR.  
TAKE A STAND.



Ad U.S. Department of Transportation

FRIENDS DON'T LET FRIENDS DRIVE DRUNK

### Is the UB Law Course Guide Misleading?

by Steve Balet, Contributor

The time of filling out course selections is upon us. Due to the limited amount of courses that are available to take, it is important to pick subjects that interest you.

Every semester I diligently study the course offering sheet, looking for the courses that I want to take, but like many of you I do not look at the course descriptions. The course titles are sometimes misleading and often it is not until the 2nd or 3rd class that you discover that you are not taking the course that you thought you were. I have been in this predicament several times myself, so as a public service I am publishing a list of 10 courses whose titles I find most misleading. Next to each course name is a statement of what the course does not teach. I hope you find this useful.

**Criminal Procedure:** Does not teach burglary techniques, how to conspire or how to case a joint.

**Estate Planning:** Does not teach landscaping, how to build a two-tiered porch, and there are no readings from Bob Villa's book.

**Schlegel's Contracts:** Does not teach contracts.

**Intellectual Property:** Does not teach about property owned by people that are smarter than me.

**Sentencing:** Does not teach about Punctuation, the predicate, and does not use school house rock as a teaching tool.

**Juvenile Law:** Does not teach the "Do Over" rule, the "When the Street Lights Go On it's Time to Go Home" rule, and there is no research project on constitutionality of the "If You Don't Have Enough for the Rest of the Class then Spit it Out" statute.

**Labor Problems:** Has nothing to do with complications during pregnancy.

**Conflicts of Laws:** Does not give you tips on hand-to-hand-combat with other lawyers.

**Commercial Paper:** Does not teach about what the glossy paper magazine ads are printed on, nor does it teach you about junkmail.

**Antitrust:** Has nothing to do with the Machiavellian thought process.



# Alumni Spotlight: Immigration Lawyer Michael Marszalkowski, '83

by Paul Roalsvig, Editor-in-Chief

Michael Marszalkowski loves his job. It may be hard work these days being an immigration lawyer, but there are also many rewards. There's of course the fact that he gets a great deal of satisfaction in helping lots of ordinary people overcome obstacles and realize the often life-long dream of becoming a permanent resident or citizen of the United States. But Marszalkowski's position has offered some rewards that many immigration lawyers will never experience: like meeting musical celebrities in person, or getting a printed thank-you on the cover of a tape or CD.

There seems to be a flurry of touring musical and theatrical acts coming across the Niagara River these days. And their goal is the same: to break into the lucrative American market. The acts are Canadian themselves, or have entered Canada from Britain or the rest of Europe. The downtown law firm of Addelman & Marszalkowski has gotten a reputation as one of the places to go when musical or theatrical acts need to obtain the proper visas to enter and work in the United States.

How did he get involved with musicians? According to Marszalkowski, it all started a while ago with a singular instance of helping a band get across the border to play a gig. From there, word of mouth help spread Marszalkowski's reputation of helping musicians and their support staff in immigration matters, to the point that they now account for a full 20% of his business.

There's a duality in this profession that



Michael Marszalkowski, class of 1983

Marszalkowski finds intriguing. As he explains it, there are two sides to the INS; the role which one plays as an immigration lawyer will depend entirely on which branch of the INS one is dealing with.

Experience has shown that the Immigration and Naturalization Service can get pretty testy if the proper forms aren't filled out correctly, or aren't submitted on time. In this respect, the INS is just like many other federal agencies; i.e. a service agency with a lot of paperwork. Much of the work of an immigration lawyer simply involves being on top of all the paperwork. His role towards the INS is therefore primarily one of a neutral, pro-active problem avoidance specialist dealing with a

government service department.

But there always remains the likelihood that some alien musician or roadie will be found to have a past criminal record of some type, or worse yet, commit a crime in the U.S. Suddenly, the enforcement arm of the INS kicks in. This is the division responsible for protecting the borders of the United States, and in many respects they act like a police force. They may have detained the client, waiting to deport the person, or if the client is outside the U.S., perhaps not even let them across the border (what is known as "exclusion"). Then Marszalkowski's posture towards the INS necessarily must quickly change to that of a defense attorney in an adversarial proceeding. While in this mode, litigation skills become of paramount importance. Marszalkowski figures that a good one-third of his efforts are spent on litigation.

Deportation hearings are part and parcel of any immigration lawyer's profession, but exclusion proceedings take place only at the U.S. border. Marszalkowski noted that being located in Buffalo by the Canadian border, means that he gets to litigate exclusion issues, something that 90% of US immigration lawyers will never get to do.

Did he always want to do immigration law? He took the Immigration Law Clinic (taught at that time by Cathy Reimar) while at UB, as well as a Human Relations course taught by Virginia Leary. After graduation he actually found himself litigating for Hodgson Russ' commercial division. Immigration law

at this time was only being practiced by what he calls smaller "boutique-type" specialty law firms, and most of them were not hiring.

But things changed in 1986. This was the year that the immigration laws were changed to allow for easier transfer of workers across the US-Canadian border. Many of the larger firms wanted to "cash in" on the sudden interest in immigration issues, and Marszalkowski was able to convince Hodgson to develop a full-scale immigration department in connection with their commercial division.

Seven and a half years later, the entrepreneurial spirit caught hold of Marszalkowski, and he decided to try it on his own. But he didn't have the resources to open his own shop. Luckily, he bumped into an old UB Law classmate (Dave Addelman, also class of 83) who was looking for someone to share space with. And thus the firm of Addelman & Marszalkowski was born.

As a suggestion to present-day law students, Marszalkowski notes that there is plenty of work out there, and much breadth to the field in a border city such as Buffalo. But he also recognized that the greatest volume of immigration cases occur in such places as New York City, Miami, Los Angeles, and along the Mexican border. He stressed that finding the perfect job is often a creative process. If a young lawyer can do a particular type of case very well, word of mouth will probably spread, and suddenly the young lawyer will find that his/her services are in much demand.

## Benefit Planned for Second Year Law Student

by Paul Roalsvig, Editor-in-Chief

So what are you doing in two weeks? Yea, I know. If you're at all like me, and you've gotten so wrapped up in some sort of fun extracurricular activity (is being Editor-in-Chief of the Opinion fun? Ha! Yea Right!) you'll be trying valiantly to catch up in all your courses in the final stretch of the semester. Well, remember Jack Nicholson in the Shining? "All work and no play....."

What I'm trying to say is hey, you don't want your studying for exams to turn you into a psychotic axe-murderer, do you? (Hmm, I wonder how that would look on my resume...hmmm..nah)

So what I'm trying to say is: take a break from your normal humdrum bookworm law school nerd existence and come out to a party. (A party you say! And so late in the semester! This had better be good!)

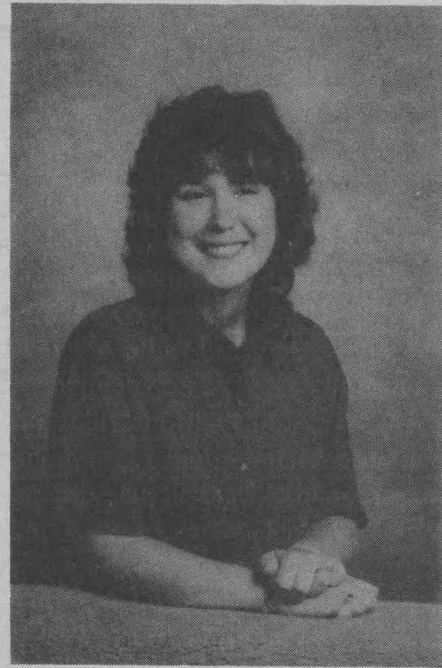
It will be. But first, here's the lowdown: One of our law school classmates is currently undergoing some serious surgery at the Strong Memorial Hospital in Rochester. 2L Michelle Obleman is in need of a lung transplant, and while much of her actual medical expenses are covered, her family are incurring lots of non-medical costs in traveling, days off from work to see her, and the like. Her law school friends, in cooperation with the SBA, thought that as a nice gesture, they would throw a party with all

the proceeds to benefit Michelle and her family. It behooves us all to come out and show support for a colleague in need. There's a community feel to the students and faculty of UB Law. Let's make a community show of support for Michelle on November 30th! So come on out!

What?, do you need more of an inducement than that? If you do, then you're probably some sort of heartless creature who'll end up in law student hell (Y'know - the place where Civ Pro is taught Socratic style by Satan him. If every minute of every day, and where you never know the answers to his questions), and why the heck am I even wasting my time with the likes of you?

But anyway, if you must know, there is another great reason to come out on Tuesday, November 30th to Brennans Bowery Bar (near the corner of Main Street and Transit Road). I have been told that the musical talents of law professors James Atleson and David Engel and the rest of the Hot Cargo String Band (who will be performing that evening) are a spectacular mix, and are guaranteed to please the aural senses of even the most discriminating audiophile (in other words, they sound great!).

"So how many beans is this going to set me back?" Sheesh! What? You mean you're still not completely convinced on going? Well,



We hope Michelle Obleman gets better soon!

the cost is all of six bucks, you skinflints! Sheesh! Six beans at the door, and you got your entertainment, your beer, your chicken wings, and your sody pop all taken care of. And all your goofy friends will be there. So you see, there's no excuses this time. See you there.

P.S. If you need more info on the benefit, or want to know more about Michelle's status, contact Sharon Pigman, box 492.

## Law Students Compete In Volleyball Tournament

by Mimi C. Meng, Contributor

"Captains, Please" -- a team of second and third year law students -- won third place in the UB Intramural Volleyball Tournament, competing against nine other teams. "Capitals, Please" played 10 matches to advance to third place in the playoff, then lost to the second place team in an intense, three-game match last Tuesday night.

The team consists of Rob Nieweg, Bill Farley, Christine Farley, Sue Soong, Jamie Han, Helen Pundurs, Mimi Meng, Heidi Hackford and Stephanie Nemec. Under the direction of Captain Rob "task-master" Nieweg, the team only practiced twice before the tournament began and won seven out of ten matches, usually against undergraduates.

According to team member Helen Pundurs, "the only reason we didn't do even better was because the undergrads vent their pent up sexual frustration in volleyball." She claimed that, overall, it was a fun learning experience for her, having only played informal, pick up games before. Another member, Christine Farley, made this modest, vastly understated comment: "I only watched the lines." Sue Soong and Mimi Meng both hope that the team will continue to play in next semester's tournament, and "keep improving!"

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## UB Law Professor says Day Care Can Spark Community Development

Special From SUNY Buffalo News Service

Peter Pitegoff, associate professor at UB law, says day care as an enterprise can help create jobs and provide opportunities for entrepreneurship in the inner city. In a recent issue of the Georgetown Law Journal, Pitegoff states that in order to be successful, however, such ventures must confront the harsh economic realities of providing child care and a public attitude that undervalues child-care work.

Those that do work have an "internal culture" that value the work of care givers while creating the "external links" --to government, charitable and corporate resources-- that make it possible for the enterprises to succeed financially.

One such example, Pitegoff points out, is the Childspace Day Care Centers in Philadelphia, a worker owned and operated enterprise serving more than 200 children at two sites. Childspace, he writes, "explicitly demonstrates the positive link between quality care and quality jobs."

Child-care jobs usually are low-wage, with limited benefits and little chance for

advancement. This kind of work environment, he says, leads to high turnover and undermines the quality of care provided, threatening the basic tenets of quality economic development--that the quality of jobs created is as important as the quantity, and that the success of the enterprise is measured in its social impact.

Pitegoff points out that the Childspace Day Care Center is successfully following a community economic development approach. The worker-ownership structure reinforces a "participatory culture" at Childspace. The workers help develop policies that include a decent wage and benefits, the option for staff to bring their children to work, support for workers' continuing education and career opportunities within the organization.

"The significance of Childspace is its intentional link between the quality of child-care jobs and the excellence of child-carer service," Pitegoff writes. Creative strategies such as those exhibited at Childspace "can help make the case for attributing greater worth to child-care work."

## Law Students Aiding Victims of Domestic Violence

Law students at UB are now helping victims of domestic violence in Niagara and Monroe counties, and expanding services to Erie County residents thanks to state funding made possible by Assemblyman Sam Hoyt. A \$10,000 member item sponsored by Hoyt has enabled the Domestic Violence Clinic at the UB Law School to become a full-time operation and assist more victims, said Suzanne E. Tomkins, Clinical Instructor in the Clinic.

Students earn academic credit while providing more than 150 hours a week of free

assistance to social service agencies and legal offices.

The Clinic, established last fall, grew out of the Domestic Violence Task Force that Tomkins, a 1992 UB law school graduate, and other law students developed four years ago. The volunteer, student-run Task Force assists local lawyers who provide *pro bono* counseling to family violence victims. The volunteers also act as advocates for women involved in Family Court proceedings.

... Gate, continued from page 5

my humble opinion will change the popular use of the expression. So I've decided if you can't beat 'em, join 'em. Thus, I've thought up some current "gates."

This past summer the tabloids were filled with Burt-and-Lonigate. Fans of Amy Fisher can't get enough of Buttafuccogate. Then of course there was the very forgettable and regrettable Late-Nightgate, a.k.a. the Chevy Chase Show.

Aside from Tinsel Town, we at UB Law School have a few "gates" of our own. There's Law Degreegate, which consists of being \$50,000 in debt from educational expenses, only to find that there are no jobs out there for lawyers. There's Gradinggate, which consists of having to wait until Spring Semester Senior year to get your first year grades. But let's not forget transcriptgate, which consists of having to explain to employers what those long awaited Hs and Qs mean.

Before we set aside the subject of "gates", there are some historical "gates" which deserve mention. Most people who know something about the early history of this country are familiar with Salemgate. Astronomers are all too familiar with Galileogate. Historical revisionists would like to elucidate us on the tragedy of Columbusgate. Last, but far from least, I'm sure that Adam and Eve never forgot Applegate.

All letters to the editor and commentaries are due the Friday before the issue comes out.

We welcome your opinions.

Tuesday, Dec. 7 is our final issue of the semester.

All submissions are due Friday, Dec. 3.

## Editor's Note

In the last Opinion (Vol. 34 No. 5, Nov. 2, 1993) we printed a revised Treasurer's report on page 4. However, due to a simple oversight, we neglected to print the original Treasurer's Report as it was issued to members of the SBA and guests on October 25, 1993. To clarify matters, and in the interest of fairness, we include herein the original paragraphs:

Paragraph 1 of the original Report read as follows:

Over the course of my first 6 months as SBA Treasurer, I witnessed pattern of conduct on the part of the SBA President that is irresponsible, unconstitutional and unethical. Efforts to curb these activities have failed, and as such it is my Constitutional duty to disclose this conduct to the Board of Directors and the Student body.

Paragraph 3 of the original Report read as follows:

As Director of Phi Alpha Delta Saultan ran up a \$2100 personal phone bill between September 92 and April 93. One of his first actions upon entering office was to move \$2483 into the telephone line to cover these personal calls. This action took place on 5/4/93. This is a clear violation of SUNY guidelines, in that Saultan used Student money to cover personal expenses. Saultan subsequently reimbursed these funds in July, but this does not correct the wrong. At worst Saultan's action is the misappropriation of funds, and at best an interest free short term loan.

Paragraph 4 of the original Report read as follows:

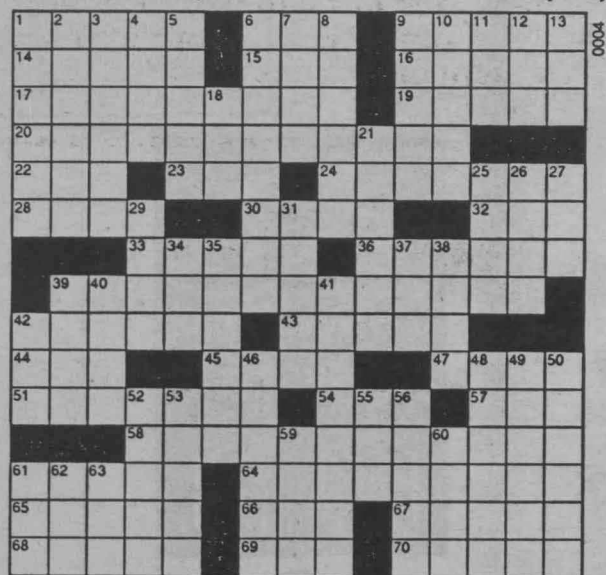
The SBA budget is much stronger financially than anyone knows. We began the year with a cash balance of \$45,000. We anticipate a surplus of between \$37,00 and \$41,000 for this fiscal year. Saultan denied this money's existence early in his tenure, and after acknowledging its presence has continually delayed informing law students of its existence. Saultan would like to use this money to fund his own pet projects without Board approval much like the previous administration did.

We hope this clarifies any misunderstandings that may have occurred.

## Crossword Puzzle

Edited by Stan Chess  
Puzzle Created by Fred Piscop

- |  |  |                                   |                                 |
|--|--|-----------------------------------|---------------------------------|
| ACROSS                                 | 42 Crow homes                                | 4 Brontë's governess              | 35 Aristotle Contemplating the  |
| 1 Dress to the nines                   | 43 Confront the ump                          | 5 Province of South Africa        | the Homer                       |
| 6 Andy Capp's wife                     | 44 Suffix with krypton                       | 6 Draw strength from              | 37 Letters of obligation        |
| 9 Hand-dyed fabric                     | 45 Tony Musante TV series                    | 7 Smallville's Lang               | 38 Timetable, slangily          |
| 14 From Russia With Love actress       | 47 Brake part                                | 8 Swing the bat more effectively  | 39 Elaborate shindig            |
| 15 Claire, Wis.                        | 51 Dan Quayle, once                          | 9 Squalls                         | 40 Golf tourney                 |
| 16 From the same mold                  | 54 Duct                                      | 10 Hang-gliding, perhaps          | 41 Like a chicken               |
| 17 Flat                                | 57 O.T. book                                 | 11 Conway of McHale's Navy        | 42 "the season..."              |
| 19 Part of NOW                         | 58 Magazine for jailbirds?                   | 12 1952                           | 46 The Beaver State             |
| 20 Magazine for teamsters?             | 61 "Street Blues"                            | 13 Barbic's main squeeze          | 48 Reliever's short stint       |
| 22 Rocker Brian Piniella or Ferrigno   | 64 Venetian hackie                           | 18 Telephone-dial triad           | 49 Break away                   |
| 24 Lie (repose in the Rotunda)         | 65 With 66-Across, Thimble Theatre character | 21 Not digital                    | 50 Feminine Ladd                |
| 28 Not quite notte                     | 66 See                                       | 25 Wine spot                      | 52 "Man ___"                    |
| 30 cake                                | 67 Actor Quaid                               | 26 Apple or lemon                 | 53 Like a pitchfork             |
| 32 B.O. posting                        | 68 Did the floor                             | 27 Billions and billions of years | 55 "howl"                       |
| 33 Northwest Passage seeker            | 69 Vote against                              | 29 160 square rods                | 56 Salt away                    |
| 36 Railroad-crossing word              | 70 Actress Georgia                           | 31 Starters                       | 59 Salty sauce                  |
| 39 Magazine for Chinese restaurateurs? | DOWN   | 34 Played the trencherman         | 60 Dash                         |
|  | 1 Dental uppers                              |                                   | 61 Stem                         |
|  | 2 Complain                                   |                                   | 62 King                         |
|  | 3 Captivate                                  |                                   | 63 ___ figures (a hefty salary) |



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Answers on the Docket, page 11

## The Lowdown

WHAT: FREEMOVIE "CITY SLICKERS"  
WHEN: Tuesday, Nov. 16, at 5:30pm  
WHERE: 106 O'Brian Hall  
THE LOW DOWN: Students of Law for Animal Rights  
Celebrates SOLAR's 1st birthday!  
Cruelty-free beer, soda and popcorn will be served!

WHAT: HIBERNIAN LAW SOCIETY PARTY  
WHERE: The Left Bank, 511 Rhode Island (Richmond at Rhode Island Buffalo)  
WHEN: Thursday, Nov. 18, 9 PM til...  
THE LOWDOWN: Join the Hibernians for their annual fall fund raiser/food drive/membership party!

## NAFTA, Do We Hafta?

Decide for yourself at the NAFTA debate.

Labor and Employment Law Society

Go Kevin!

VS.

The Federalist Society

4 p.m. Wednesday, Nov. 17  
room 108 O'Brian Hall



# The Docket



## Announcements:

### Public Interest Fellowships Available to Students

The Charles H. Revson Law Students Public Interest (LSPIN) Fellowship program is being administered by the Public Interest Law Center at NYU School of Law. Up to 45 grants will be made to students working full time for 10 weeks during the summer of 1994. Stipends of \$3,250 are available for 1L and 2L students attending law school in New York State and New Jersey who have secured summer placements with public interest organizations in the New York City metropolitan area. The application deadline this year is Friday, December 3, 1993. Interested parties should get in touch with the Dean's Office at UB Law or NYU School of Law, or get in touch with the CDO office at either law school.

### PAD to Sponsor Drive for Food Center

Phi Alpha Delta is sponsoring a Food and Supply Drive to benefit the Rhode Island Street Food Center. The Center has been in operation for over 10 years. It is staffed by the Director Linda Signer who is a volunteer, as well as a number of others who volunteer to keep the Center running Monday through Friday. Clients are mainly residents from the lower West Side between Rhode Island and downtown. However, Signer pointed out that clients who seek assistance are served regardless of their area of residence. Between 500 and 600 families per month currently receive help there.

Donation will be accepted on the 1st Floor of O'Brian Hall on Tuesday November 30th, Wednesday December 1st, and Thursday December 2nd from 9:00-2:30. The Center has a special need for non-perishable nutritious

Remaining UUAB movies this semester:

*Highlander*  
8 p.m. Wed. Nov. 17

*Leningrad Cowboys Come to America*  
8 p.m. Thurs. Nov. 18

*Delicatessen*  
8 & 10 p.m. Fri. Nov. 19  
*Slacker*  
Midnight

*The Living End*  
8 p.m. Thurs. Dec. 2

*Rosencrantz and Guildenstern Are Dead*  
Midnight Fri. Dec. 3

Films are shown in the new Student Union Theater, 201 Student Union. Tickets are \$2.50 for Students and Faculty with UB ID, \$3.50 all others.

foods, baby food, and health and hygienic items such as soap and shampoo.

### NYSBA to Present another Program

The NYSBA committee on Women in the Law will present a program describing "The Road to the Judiciary: Navigating the Judicial Selection Process" on November 18 at 6pm at the Bar Center in Albany.

Chief Judge Judith S. Kaye will serve as moderator for the panel discussions. The program will provide insights for women and minorities on procedures in seeking judgeships in state and federal courts, including discussion of the political process and judicial selection committees. Panelists will draw on their own experiences and offer practical information on pursuing service on the bench. Admission is free.

## 1994 New York State Law Student Legal Ethics Award

### Guidelines:

The Award, with a cash payment of \$750, is to be made at the conclusion of the academic year. The Award is intended to encourage activities in connection with the lawyer's role as representative of clients, officer of the legal system, and public citizen having special responsibility for the quality of justice. The Award is made to the law student selected by the school, and is granted in recognition of an extraordinary accomplishment in one of the following areas:

1. A proposal outlining how members of the New York State Bar can be challenged to develop and demonstrate their commitment to professional responsibility or legal ethics;
2. A written article, essay or other exposition, on the subject of legal professional responsibility or legal ethics; or
3. A substantial action or activity in furtherance of legal professional responsibility or legal ethics, performed or instituted in the year of this competition. (An examination answer/score or a grade in a course cannot be the basis for the award)

In an effort to further stimulate interest, the award Committee reviews all written expositions with a view toward selecting one which the Committee believes warrants submission for publication in the *New York State Bar Journal*. (With regard to written expositions, submissions shall be deemed a consent to publication where, in the discretion of the Committee, such publication is warranted.)

For further information, contact the New York State Bar Association at (518) 463-3200.

Coming Nov. 20, 1993:

### "Human Rights and the New Legal Pluralism"

Sponsored by the Baldy Center  
For more information, call 645-2102

Happy Anniversary Mom & Dad! -E

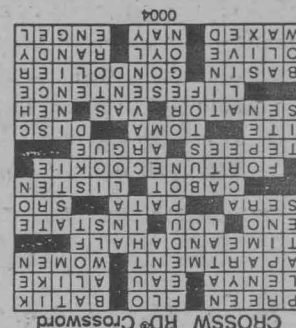
Probing, Timely, Controversial, Beer  
-- Join the Opinion!

Hey Gooby, Let's go to the Attic!

Read More Opinions!

Bone, I love you, but you're a bitchy!

### Crossword Puzzle Answers



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